

59TH LEGISLATURE—REGULAR SESSION

PROPOSED CONSTITUTIONAL AMENDMENT—  
COURT OF CRIMINAL APPEALS

S. J. R. No. 26

Proposing an Amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elections, appointments, tenure of office and compensation; and prescribing the term of court of said court.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Section 4 of Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 4. The Court of Criminal Appeals shall consist of five Judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of three Judges shall be necessary to a decision of said court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

"The Judges of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this state, and until his successor shall have been elected and qualified.

"The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and shall hold their offices, one for a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this Amendment and until their successors are elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

"The Governor shall designate one of the five Judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected."

Sec. 2. That Section 5 of the Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 5. The Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

"The Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday

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in September in each year, at the State Capitol. The Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

"The Clerk of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall continue in office for the term of his appointment."

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held throughout the state on the first Tuesday after the first Monday in November, A.D. 1966, at which election each voter opposing said proposed Amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

"FOR the Amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said court."

Each voter favoring said proposed Amendment shall scratch off the ballot in the same manner the following words printed on said ballot:

"AGAINST the Amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the Constitution of this state.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be held as provided by the Constitution and laws of this state.

Passed the Senate on April 13, 1965: Yeas 30, Nays 0; passed the House on May 5, 1965: Yeas 122, Nays 9.

Signed by the Governor May 21, 1965.

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## PROPOSED CONSTITUTIONAL AMENDMENT—TEACHER RETIREMENT SYSTEM

S. J. R. No. 27

Proposing an Amendment to the Constitution of the State of Texas, amending Article III of the Constitution of the State of Texas by adding a new Section thereto to be designated Section 48b, so as to create as an agency of the State of Texas the Teacher Retirement System of Texas, vesting the general administration and responsibility of the proper operation of said system in a state board of trustees to be known as the State Board of Trustees of the Teacher Retirement System of Texas, authorizing said Board to invest assets of said system in various obligations and subjects of investment, subject to certain restrictions stated therein and such other restrictions as may hereafter be provided by law; providing that such Amendment shall be self-enacting and shall not alter, amend or repeal Section 48a of Article III of the Constitution of Texas or any legislation passed pursuant thereto except insofar as such legislation may limit or restrict the provisions of this Amendment; providing for the necessary election, form of ballot, proclamation, and publication.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Article III of the Constitution of the State of Texas be amended by adding Section 48b thereto which shall read as follows: